

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. PATENT & TRADEMARK OFFICE  
TRANSMITTAL  
FORM  
DEC 16 2004

(To be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 10/051,307

Filing Date January 22, 2002

First Named Inventor Ziyu Dai

Art Unit 1638

Examiner Name Koroma, Barba M.

Attorney Docket Number 12571-E

ENCLOSURES (Check all that apply)

☐ Fee Transmittal Form

☐ Fee Attached

☒ Amendment/Reply

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Reply to Missing Parts/  
Incomplete Application

☐ Reply to Missing Parts  
under 37 CFR 1.52 or 1.53

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a  
Provisional Application

☐ Power of Attorney, Revocation

☐ Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s) \_\_\_\_\_

☐ Landscape Table on CD

☐ After Allowance Communication to TC

☐ Appeal Communication to Board  
of Appeals and Interferences

☐ Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) (please identify  
below):

Return receipt postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name Wells St. John P.S.

Signature *Jennifer J. Taylor*

Printed name Jennifer J. Taylor, Ph.D.

Date December 16, 2004

Reg. No. 48,711

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Date

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EV372470545



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No. .... 10/051,307  
Filing Date ..... January 22, 2002  
Inventor..... Ziyu Dai et al.  
Assignee..... Battelle Memorial Institute  
Group Art Unit ..... 1638  
Examiner ..... Koroma, Barba M.  
Attorney's Docket No. .... 12571-E  
Customer No. .... 021567  
Title: Gene Promoters Isolated from Potato and Use Thereof

**RESPONSE TO SEPTEMBER 24, 2004 OFFICE ACTION**

To: Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

From: Jennifer J. Taylor, Ph.D. (Tel. 509-624-4276; Fax 509-838-3424)  
Wells St. John P.S.  
601 W. First Avenue, Suite 1300  
Spokane, WA 99201-3828

**AMENDMENTS**

**Introductory Comments**

In reply to the Office Action of September 24, 2004 applicant amends and remarks as follows.